

Sixth Appellate District

San Jose, California

MONDAY, OCTOBER 27, 2008

H030645 HARPER v. HARMON et al.

The judgment of dismissal is affirmed. Respondent Fahn's objection to appellant's errata to opening brief is overruled. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed October 27, 2008

H032425 PEOPLE v. BOLICK

The order revoking defendant's probation is affirmed. (not published)

(Mihara, J.; We concur: Rushing, P.J., McAdams, J.)

Filed October 27, 2008

H032070 PEOPLE v. FAIRMONT SPECIALTY GROUP

The judgment is reversed, and the matter is remanded to the trial court with directions to reconsider Fairmont's motion to extend and determine whether Fairmont has demonstrated good cause. If the court decides that Fairmont has not demonstrated good cause, it shall reinstate the judgment. If the court concludes that Fairmont has demonstrated good cause, it shall vacate the judgment of forfeiture and proceed accordingly. The parties shall bear their own costs on appeal. (not published)

(Mihara, J.; We concur: Elia, Acting P.J., McAdams, J.)

Filed October 27, 2008

TUESDAY, OCTOBER 28, 2008

H033332 RATCHFORD v. ZEMBIK

By the Court:

Appellant's request to set aside the dismissal order issued on October 3, 2008, is granted and the appeal is ordered restored to active status. Appellant shall duly file her designation of the record on appeal within 10 days from the date of this order.

The trial court is directed to effect the preparation of the record on appeal in accordance with the provisions of the California Rules of Court forthwith.

Dated: October 28, 2008

Rushing, P.J.

Sixth Appellate District

San Jose, California

Tuesday, October 28, 2008 (continued)

H032826 In re R.C., JR.; DSES v. R.C., SR.

The juvenile court's order dated April 9, 2008, denying the application of R.C., Sr., to raise his son, R.C., Jr., in Ohio is reversed, and its finding that it would be detrimental to R.C., Sr.'s son to live in Ohio with his father is vacated. Any order of that date that necessarily depends on R.C., Jr., not being placed in the custody of R.C., Sr., also is reversed. In all other respects, the orders are affirmed. The matter is remanded to the juvenile court to conduct new proceedings consistent with this opinion. At these proceedings, the juvenile court may, in the course of determining a proper placement for R.C., Jr., consider any evidence of new or changed circumstances in the family's situation. (not published)

(Duffy, J.; We concur: Rushing, P.J., Premo, J.)

Filed October 28, 2008

WEDNESDAY, OCTOBER 29, 2008

H031648 BERNARDI, et al. v. COUNTY OF MONTEREY

Filed order publishing opinion.

(Bamattre-Manoukian, J., Rushing, P.J., Premo, J.)

H031612 PEOPLE v. GARZA

By the Court:

On the court's own motion, the submission order in the above-entitled matter dated August 5, 2008, is hereby vacated. The court by separate letter issued October 28, 2008, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of oral argument, if requested, or upon completion of supplemental briefing.

Dated: October 29, 2008 Rushing, P.J.

THURSDAY, OCTOBER 30, 2008

H031985 CENTURY RESIDENTIAL, LLC v. COUNTY OF SANTA CLARA

The matter is reversed with directions to remand to the County for the limited purpose of correcting its orders as stated herein. In all other respects the trial court's judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Mihara, J., McAdams, J.)

Filed October 30, 2008

Sixth Appellate District

San Jose, California

Thursday, October 30, 2008 (continued)

H031165 PEOPLE v. CLAYTON

The judgment is modified to strike one of defendant's convictions for false imprisonment. As modified, the judgment is affirmed. The Clerk of the Superior Court is directed to prepare a new abstract of judgment that reflects our modification. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed October 30, 2008

H032509 PEOPLE v. RAEL

The judgment is reversed. The matter is remanded to the trial court with instructions to vacate its previous order that directed defendant to pay \$300 in attorney fees and to conduct further proceedings consistent with section 987.8 and enter a new judgment. The remainder of the existing judgment is unaffected by this decision. (not published)

(Rushing, P.J.; We concur: Mihara, J., McAdams, J.)

Filed October 30, 2008

H030957 PEOPLE v. LUNA

The judgment is affirmed. (not published)

(Rushing, P.J.; I concur: Premo, J.; I concur in the judgment only: Duffy, J.)

Filed October 30, 2008

H031996 PEOPLE v. WILLIAMS

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Elia, Acting P.J., McAdams, J.)

Filed October 30, 2008

FRIDAY, OCTOBER 31, 2008

H032623 PEOPLE v. HALL

The judgment is modified to strike the award of attorney fees. The trial court is directed to amend the abstract of judgment accordingly. As modified, the judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed October 31, 2008